

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MONITA SHARMA and ERIC ANDERSON,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,  
v.

BMW OF NORTH AMERICA, LLC,,  
Defendant.

No. C 13-2274 MMC

**ORDER DENYING AS MOOT  
DEFENDANT'S MOTION TO DISMISS  
AND MOTION TO STRIKE CLASS  
ACTION ALLEGATIONS**

Before the Court are two motions, filed August 29, 2013, by defendant BMW of North America, LLC ("BMW"): (1) "Motion to Dismiss for Lack of Standing and Failure to State a Claim"; and (2) "Motion to Strike Class Allegations." On February 28, 2014, plaintiffs, with leave of court, filed a Second Amended Complaint.

"[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F.2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).

Accordingly, defendant's motions are hereby DENIED as moot.

**IT IS SO ORDERED.**

Dated: March 4, 2014

  
MAXINE M. CHESNEY  
United States District Judge